

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

Criminal No. 5:09-CR-263
(DNH)

EZELL HICKS, JR.,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE GOVERNMENT:

HON. ANDREW BAXTER
United States Attorney
Northern District of New York
100 S. Clinton Street
P.O. Box 7198
Syracuse, New York 13261-7198

RANSOM REYNOLDS, ESQ.
Assistant U.S. Attorney

FOR DEFENDANT:

HON. ALEX BUNIN
Federal Public Defender's Office
The Clinton Exchange, 3rd Floor
4 Clinton Square
Syracuse, New York 13202

JAMES GREENWALD, ESQ.
Asst. Federal Public Defender

DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE

RELEASE REVOCATION ORDER

Defendant Ezell Hicks, Jr. appeared before this court on May 5, 2009. At that time, following a detention hearing held pursuant to 18

U.S.C. 3142(f), the court ordered that defendant be detained pending trial, and recommended his participation in the High Impact Incarceration Program (“HIIP”) offered by the United States Probation Office. Dkt. Nos. 9, 10.

Following defendant’s completion of HIIP, the court conducted a bail review hearing on June 16, 2009. At that time defendant was released on conditions which included, *inter alia*, the requirement that he participate in and successfully complete a program of in-patient or out-patient substance abuse therapy counseling approved by pretrial services or the court. Dkt. Nos. 12, 13. At the time of defendant’s release on conditions, it was anticipated that he would participate in an in-patient drug treatment program operated by the Willows.

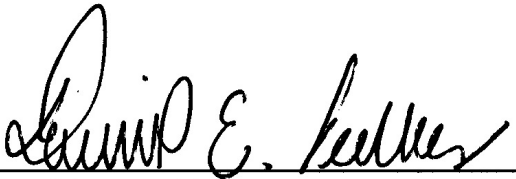
On June 23, 2009 United States Probation Officer Liana Snyder filed a declaration with the court alleging that defendant had committed two distinct violations of the terms of his pretrial release order. Dkt. No. 14. A hearing was conducted on June 25, 2009 in connection with that declaration. During that hearing, defendant admitted having violated section 7(t) of my pretrial release order, and specifically that he was terminated from the Willows in-patient substance abuse treatment program for failure to follow program rules and disruptive behavior. In

light of that admission, and having heard the arguments of defendant and his counsel, as well as those on behalf of the government, and upon due deliberation, it is hereby

ORDERED, principally for the reasons stated in my prior detention order, dated May 6, 2009, coupled with defendant's failure to abide by the terms of my pretrial release order, that defendant's release status be and hereby is REVOKED; and it is further

ORDERED that the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate to the extent practicable for persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a United States Court or on request of a Government attorney, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated: June 26, 2009
Syracuse, NY



David E. Peebles
U.S. Magistrate Judge